

APPENDIX A

State of Alaska Legislative Ethics Act, AS 24.60 as amended 2012

SB 89, Chapter 45

Chapter 60. Standards of Conduct.

Article

1. Purpose and Applicability (§§ 24.60.010, 24.60.020)
2. Standards of Conduct (§§ 24.60.030 - 24.60.115)
3. Legislative Ethics Committee; Opinions; Complaints (§§ 24.60.130 - 24.60.178)
4. Required Annual Financial Disclosure (§§ 24.60.200 - 24.60.260)
5. Miscellaneous and General Provisions (§§ 24.60.970 - 24.60.995)

Cross references. — The Select Committee on Legislative Ethics maintains a public online electronic database of advisory opinions interpreting this chapter.

Administrative Code. — For legislative financial disclosure, see 2 AAC 50, art. 5.

Article 1. Purpose and Applicability.

Section

10. Legislative findings and purpose

Section

20. Applicability; relationship to common law and other laws

Sec. 24.60.010. Legislative findings and purpose. The legislature finds that

- (1) high moral and ethical standards among public servants in the legislative branch of government are essential to assure the trust, respect, and confidence of the people of this state;
- (2) a fair and open government requires that legislators and legislative employees conduct the public's business in a manner that preserves the integrity of the legislative process and avoids conflicts of interest or even appearances of conflicts of interest;

- (3) the public's commitment to a part-time citizen legislature requires legislators be drawn from all parts of society and the best way to attract competent people is to acknowledge that they provide their time and energy to the state, often at substantial personal and financial sacrifice;
- (4) a part-time citizen legislature implies that legislators are expected and permitted to earn outside income and that the rules governing legislators' conduct during and after leaving public service must be clear, fair, and as complete as possible; the rules, however, should not impose unreasonable or unnecessary burdens that will discourage citizens from entering or staying in government service;
- (5) in order for the rules governing conduct to be respected both during and after leaving public service, the code must be administered fairly without bias or favoritism;
- (6) no code of conduct, however comprehensive, can anticipate all situations in which violations may occur nor can it prescribe behaviors that are appropriate to every situation; in addition, laws and regulations regarding ethical responsibilities cannot legislate morality, eradicate corruption, or eliminate bad judgment;
- (7) compliance with a code of ethics is an individual responsibility; thus all who serve the legislature have a solemn responsibility to avoid improper conduct and prevent improper behavior by colleagues and subordinates;
- (8) the purpose of this chapter is to establish standards of conduct for state legislators and legislative employees and to establish the Select Committee on Legislative Ethics to consider alleged violations of this chapter and to render advisory opinions to persons affected by this chapter. (§ 1 ch 36 SLA 1984; am § 1 ch 127 SLA 1992)

NOTES TO DECISIONS

No duty to disclose conflict of interest. – Two former members of the Alaska legislature who were charged with honest services fraud under 18 USCS § § 1341, 1343, and 1346 could exclude evidence of their failure to disclose a conflict of interest arising from their dealings with a corporation; neither this section nor AS 24.60.030(e)(3) impose a duty to disclose, and state law controls. *United States v. Kott*, -- F. Supp.2d – (D. Alaska Sept. 4, 2007), (Requirement of violation of state

law duty to disclose to support conviction under 18 U.S.C. § 1346 was rejected in *United States v. Weyhrauch*, 548 F.3d 1237 (9th Cir. 2008). However, the scope of § 1346 was narrowed by *Skilling v. United States*, -- U.S. --, 130 S. Ct. 2896 (2010) to apply only to bribery/kickback schemes, rejecting inclusion of undisclosed self-dealing by a public official.).

Sec. 24.60.020. Applicability; relationship to common law and other laws.

(a) Except as otherwise provided in this subsection, this chapter applies to a member of the legislature, to a legislative employee, and to public members of the committee. This chapter does not apply to

- (1) a former member of the legislature or to a person formerly employed by the legislative branch of government unless a provision of this chapter specifically states that it applies;
- (2) a person elected to the legislature who at the time of election is not a member of the legislature.

(b) The provisions of this chapter specifically supersede the provisions of the common law relating to legislative conflict of interest that may apply to a member of the legislature or a legislative employee. This chapter does not supersede or repeal provisions of the criminal laws of the state. This chapter does not exempt a person from applicable provisions of another law unless the law is expressly superseded or incompatibly inconsistent with the specific provisions of this chapter.

(§ 1 ch 36 SLA 1984; § § 2, 3 ch 113 SLA 1986; am § 1 ch 167 SLA 1988; am § 2 ch 127 SLA 1992); am § 18 ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 10, 2007, substituted “a provision of this chapter” for “the provision” in paragraph (a)(1)

Related Advisory Opinions: 87-04, 99-01, 99-03

Article 2. Standards of Conduct.

Section

- 30. Prohibited conduct and conflicts of interest
- 31. Restrictions on fund raising
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Section

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Sec. 24.60.030. Prohibitions related to conflicts of interest and unethical conduct.

(a) A legislator or legislative employee may not

- (1) solicit, agree to accept, or accept a benefit other than official compensation for the performance of public duties; this paragraph may not be construed to prohibit lawful solicitation for and acceptance of campaign contributions, solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(a)(2)(B), or the acceptance of a gift under AS 24.60.075 or 24.60.080;
- (2) use public funds, facilities, equipment, services, or another government asset or resource for a nonlegislative purpose, for involvement in or support of or opposition to partisan political activity, or for the private benefit of the legislator, legislative employee, or another person; this paragraph does not prohibit
 - (A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;
 - (B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;
 - (C) the legislative council, notwithstanding AS 24.05.190, from designating a public facility for use by legislators and legislative employees for health or fitness purposes; when the council designates a facility to be used by legislators and legislative employees for health or fitness purposes, it shall

- adopt guidelines governing access to and use of the facility; the guidelines may establish times in which use of the facility is limited to specific groups;
- (D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others;
 - (E) a legislator from use of legislative employees to prepare and send out seasonal greeting cards;
 - (F) a legislator from using state resources to transport computers or other office equipment owned by the legislator but primarily used for a state function;
 - (G) use by a legislator of photographs of that legislator;
 - (H) reasonable use of the Internet by a legislator or a legislative employee except if the use is for election campaign purposes;
 - (I) a legislator or legislative employee from soliciting, accepting, or receiving a gift on behalf of a recognized, nonpolitical charitable organization in a state facility;
 - (J) a legislator from sending any communication in the form of a newsletter to the legislator's constituents, except a communication expressly advocating the election or defeat of a candidate or a newsletter or material in a newsletter that is clearly only for the private benefit of a legislator or a legislative employee; or
 - (K) full participation in a charity event approved in advance by the Alaska Legislative Council;
- (3) knowingly seek, accept, use, allocate, grant, or award public funds for a purpose other than that approved by law, or make a false statement in connection with a claim, request, or application for compensation, reimbursement, or travel allowances from public funds;
 - (4) require a legislative employee to perform services for the private benefit of the legislator or employee at any time, or allow a legislative employee to perform services for the private benefit of a legislator or employee on government time; it is not a violation of this paragraph if the services were performed in an unusual or infrequent situation and the person's services were reasonably necessary to permit the legislator or legislative employee to perform official duties;
 - (5) use or authorize the use of state funds, facilities, equipment, services, or another government asset or resource for the purpose of political fund raising or campaigning; this paragraph does not prohibit
 - (A) limited use of state property and resources for personal purposes if the use does not interfere with the performance of public duties and either the cost or value related to the use is nominal or the legislator or legislative employee reimburses the state for the cost of the use;
 - (B) the use of mailing lists, computer data, or other information lawfully obtained from a government agency and available to the general public for nonlegislative purposes;
 - (C) storing or maintaining, consistent with (b) of this section, election campaign records in a legislator's office;
 - (D) a legislator from using the legislator's private office in the capital city during a legislative session, and for the 10 days immediately before and the 10 days

immediately after a legislative session, for nonlegislative purposes if the use does not interfere with the performance of public duties and if there is no cost to the state for the use of the space and equipment, other than utility costs and minimal wear and tear, or the legislator promptly reimburses the state for the cost; an office is considered a legislator's private office under this subparagraph if it is the primary space in the capital city reserved for use by the legislator, whether or not it is shared with others; or

(E) use by a legislator of photographs of that legislator.

(b) A legislative employee may not on government time assist in political party or candidate activities, campaigning, or fund raising. A legislator may not require an employee to perform an act in violation of this subsection.

(c) Unless approved by the committee, during a campaign period for an election in which the legislator or legislative employee is a candidate, a legislator or legislative employee may not use or permit another to use state funds, other than funds to which the legislator is entitled under AS 24.10.110, to print or distribute a political mass mailing to individuals eligible to vote for the candidate. In this subsection,

(1) a "campaign period" is the period that

(A) begins 60 days before the date of an election to the board of an electric or telephone cooperative organized under AS 10.25, a municipal election, or a primary election, or that begins on the date of the governor's proclamation calling a special election; and

(B) ends the day after the cooperative election, municipal election, or general or special election;

(2) a mass mailing is considered to be political if it is from or about a legislator, legislative employee, or another person who is a candidate for election or reelection to the legislature or another federal, state, or municipal office or to the board of an electric or telephone cooperative.

(d) A legislator, legislative employee, or another person on behalf of the legislator or legislative employee, or a campaign committee of the legislator or legislative employee, may not distribute or post campaign literature, placards, posters, fund-raising notices, or other communications intended to influence the election of a candidate in an election in public areas in a facility ordinarily used to conduct state government business. This prohibition applies whether or not the election has been concluded. However, a legislator may post, in the legislator's private office, communications related to an election that has been concluded.

(e) A legislator may not directly, or by authorizing another to act on the legislator's behalf,

(1) agree to, threaten to, or state or imply that the legislator will take or withhold a legislative, administrative, or political action, including support or opposition to a bill, employment, nominations, and appointments, as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value;

(2) state or imply that the legislator will perform or refrain from performing a lawful constituent service as a result of a person's decision to provide or not provide a political contribution, donate or not donate to a cause favored by the legislator, or provide or not provide a thing of value; or

(3) unless required by the Uniform Rules of the Alaska State Legislature, take or withhold official action or exert official influence that could substantially benefit or harm the financial interest of another person with whom the legislator is negotiating for employment.

(f) A legislative employee may not serve in a position that requires confirmation by the legislature. A legislator or legislative employee who serves on a board of an organization, including a governmental entity, shall disclose the board membership to the committee. A person required to make a disclosure under this subsection shall file the disclosure with the committee by the deadlines set out in AS 24.60.105 stating the name of each organization on whose board the person serves. The committee shall maintain a public record of the disclosure and forward the disclosure to the appropriate house for inclusion in the journal. This subsection does not require a legislator or legislative employee who is appointed to a board by the presiding officer to make a disclosure of the appointment to the committee if the appointment has been published in the appropriate legislative journal during the calendar year.

(g) Unless required by the Uniform Rules of the Alaska State Legislature, a legislator may not vote on a question if the legislator has an equity or ownership interest in a business, investment, real property, lease, or other enterprise if the interest is substantial and the effect on that interest of the action to be voted on is greater than the effect on a substantial class of persons to which the legislator belongs as a member of a profession, occupation, industry, or region.

(h) An employee who engages in political campaign activities other than incidental campaign activities during the employee's work day shall take leave for the period of campaigning. Political campaign activities while on government time are permissible if the activities are part of the normal legislative duties of the employee, including answering telephone calls and handling incoming correspondence.

(i) A legislator or legislative employee may not attempt to influence the outcome of an administrative hearing by directly or indirectly contacting or attempting to contact the hearing officer assigned to the hearing or the individual, board, or commission with authority to make the final decision in the matter unless

- (1) the legislator or legislative employee is representing another person for compensation subject to AS 24.60.100 and as a professional who is licensed in the state;
- (2) the contact is made in the presence of all parties to the hearing or the parties' representatives while the legislator or legislative employee is acting as a party or a witness in the matter or responding to a question asked of the legislator or legislative employee by the hearing officer, individual, board, or commission and the contact is made a part of the record; or
- (3) the contact is inadvertent and ex parte and the legislator or legislative employee
 - (A) promptly discloses the fact and substance of the contact
 - (i.) directly to each party to the hearing whose identity as a party is public information; or
 - (ii.) through the hearing officer for each party to the hearing whose identity as a party is not public information; and
 - (B) makes the fact and substance of the contact part of the record.

(j) In this section, "administrative hearing" means a quasi-judicial hearing before an agency; "administrative hearing" does not include an informal conference or review held by an agency before a final decision is issued or a rate-making proceeding or other nonadjudicative public hearing.

(§ 1 ch 36 SLA 1984; am § 27 ch 85 SLA 1988; am § 8 ch 167 SLA 1988; am § 3 ch 127 SLA 1992; am §§ 13 – 18 ch 74 SLA 1998; am § 8 ch 3 SLA 2002; am § 49 ch 163 SLA 2004; am § 2 ch 10 SLA 2006); am §§ 19 – 21 ch 47 SLA 2007)

Cross references. – For bribery and related offenses, see AS 11.56.100–11.56.130.

Effect of amendments. — The 2006 amendment, effective March 31, 2006, in subsection (a), inserted “solicitation or acceptance of contributions for a charity event, as defined in AS 24.60.080(c)(10)” in paragraph (1) and “or legislative employee” in paragraph (2)(J), and added paragraph (2)(L), making corresponding stylistic changes.

The 2007 amendment, effective July 10, 2007, substituted “AS 24.60.080(a)(2)(B)” for “AS 24.60.080(c)(10)” in paragraph (a)(1), deleted former paragraphs (a) (2)(C) and (a)(5)(C), relating to telephone or facsimile use and redesignated the following subparagraphs accordingly, substituted “60 days” for “90 days” in paragraph (c)(1)(A), rewrote the second sentence of subsection (f), and substituted “person” for “legislator or legislative employee who is” in the third sentence of subsection(f).

NOTES TO DECISIONS

No duty to disclose. – Two former members of the Alaska legislature who were charged with honest services fraud under 18 USCS §§ 1341, 1343, and 1346 could exclude evidence of their failure to disclose a conflict of interest arising from their dealings with a corporation; neither this section nor AS 24.60.010 impose a duty to disclose, and state law controls. *United States v. Kott*, -- F. Supp. 2d – (D. Alaska Sept. 4, 2007), (Requirement of violation of state law duty to disclose to support conviction under 18 U.S.C. § 1346 was rejected in *United States v. Weyhrauch*, 548 F.3d 1237 (9th Cir. 2008). However, the scope of § was narrowed by *Skilling v. United States*, -- U.S. ---, 130 S.Ct. 2896 (2010) to apply only to bribery/kickback schemes, rejecting inclusion of undisclosed self-dealing by a public official.).

Legislature did not intend to imply a duty to disclose.

— Alaska legislature clearly knows how to establish a duty to disclose and has done so in several instances. Its failure to include an explicit duty to disclose in subsection (e)(3) is significant; reading AS 24.60 as a whole, it would be inappropriate to imply a duty to disclose matters within the ambit of (e)(3). *United States v. Kott*, -- F. Supp. 2d – (D. Alaska September 4, 2007), (Requirement of violation of state law duty to disclose to support conviction under 18 U.S.C. § 1346 was rejected in *United States v. Weyhrauch*, 548 F.3d 1237 (9th Cir. 2008). However, the scope of § 1346 was narrowed by *Skilling v. United States*, -- U.S. ---, 130 S.Ct. 2896 (2010) to apply only to bribery/kickback schemes, rejecting inclusion of undisclosed self-dealing by a public official.).

Related Advisory Opinions: 84-01, 84-02, 84-04, 85-01, 85-02, 85-04, 85-06, 86-03, 86-04, 86-07, 87-01, 87-07, 88-02, 88-04, 88-06, 88-07, 88-10, 89-05, 90-02, 92-02, 94-02, 94-06, 94-08, 94-13, 95-03, 97-02, 98-02, 98-03, 99-04, 01-01, 02-01, 04-01, 04-02, 05-01, 06-01, 07-01, 07-04, 07-05, 08-01, 08-02, 08-03, 09-03, 09-04

Sec. 24.60.031. Restrictions on fundraising.

(a) A legislative employee may not

- (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution for a campaign for state or municipal office; however, a legislative employee may, except in the capital city, or in the municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the capital city, solicit or accept a contribution, promise, or pledge for a campaign for state or municipal office that occurs during the 90 days immediately preceding the election for that office; or
- (2) accept money from an event held on a day when either house of the legislature is in regular or special session if a substantial purpose of the event is to raise money on behalf of the legislative employee for political purposes; however, this paragraph does not prohibit a legislative employee from accepting money from an event held in a place other than the capital city or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than a capital city during the 90 days immediately preceding an election for state or municipal public office in which the legislative employee is a candidate.

(b) A legislator may not

- (1) on a day when either house of the legislature is in regular or special session, solicit or accept a contribution or a promise or pledge to make a contribution
 - (A) for the legislator's own campaign for state or municipal public office, unless the solicitation, acceptance, promise, or pledge occurs in a place other than the capital city or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the capital city during the 90 days immediately preceding the election in which the legislator is a candidate;
 - (B) for another candidate in an election for municipal, state, or federal office;
 - (C) to influence a state ballot proposition or question; or
 - (D) for a political party;
 - (2) accept money from an event held on a day when either house of the legislature is in regular session or special session if a substantial purpose of the event is to raise money on behalf of the legislator's campaign for state or municipal public office; however, this paragraph does not prohibit a legislator from accepting money from an event held in a place other than the capital city or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the capital city during the 90 days immediately preceding a state or municipal election in which the legislator is a candidate; or
 - (3) in a campaign for state or municipal office, expend money that was raised on a day when either house of the legislature was in a legislative session by or on behalf of a legislator under a declaration of candidacy or a general letter of intent to become a candidate for public office; however this paragraph does not apply to money raised in a place other than the capital city or a municipality in which the legislature is convened in special session if the legislature is convened in a municipality other than the capital city during the 90 days immediately preceding an election in which the legislator is a candidate.
- (c) In this section, "contribution" has a meaning given in AS 15.13.400 (§ 4 ch 127 SLA 1992; am § 27 ch 48 SLA 1996; am § 19 ch 74 SLA 1998; am § § 2, 3 ch 106 SLA 2008)

Revisor's notes. — Subsection (b) was enacted as (c); relettered in 2008, at which time subsection (b) was relettered as subsection (c).

Cross references. — For provisions relating to the applicability of AS 15.13 to certain persons if a court determines that persons who are not individuals must be allowed to contribute to candidates or groups, see § 30, ch. 48, SLA 1996 in the Temporary and Special Acts.

Effect of amendments. — The 2008 amendment, effective June 21, 2008, rewrote subsection (a), and added subsection (c) [now (b)].

Editor's notes. — Section 33 (a), ch. 48, SLA 1996 provides that the amendment to this section made by § 27, ch. 48, SLA 1996 takes effect only in the lieutenant governor determines that § § 1– 32, ch. 48, SLA 1996 are substantially the same as the law proposed by the initiative identified as Initiative Petition 95 CFPO. The lieutenant governor communicated her determination to that effect to the initiative sponsors by letter dated May 29, 1996. See also May 21, 1996. See also May 21, 1996 OP. Att'y Gen. Accordingly, under § 35, ch. 48, SLA 1996, the amendment to this section takes effect January 1, 1997.

Related Advisory Opinions: 84-05, 85-03, 86-04, 88-08, 94-04, 94-05, 96-01, 07-06, 07-07, Memo March 22, 1996

Sec. 24.60.033. Restrictions on employee candidacies.

A legislative employee may not file a letter of intent to become a candidate or file a declaration of candidacy for the legislature.

(§ 4 ch 127 SLA 1992)

Sec. 24.60.035. Protection of whistle blowers.

A legislator or legislative employee may not, directly or indirectly, subject a person who reports to the committee or another government entity conduct the person reasonably believes is a violation of this chapter or another state law, to reprisal, harassment, or discrimination. A legislative employee who is discharged, disciplined, involuntarily transferred, or otherwise penalized by a legislator or another legislative employee in violation of this subsection may

- (1) bring a complaint before the committee; and
- (2) bring a separate civil action in the courts seeking damages, payment of back wages, reinstatement, or other relief. (§ 4 ch 127 SLA 1992)

Sec. 24.60.037. Open meetings guidelines.

(a) A meeting of a legislative body is open to the public in accordance with the open meetings guidelines established in this section. A legislator may not participate in a meeting held in violation of these open meetings guidelines.

(b) For purposes of the legislative open meetings guidelines, a meeting occurs when a majority of the members of a legislative body is present and action, including voting, is taken or could be taken, or if a primary purpose of the meeting is the discussion of legislation or state policy. The Uniform Rules of the Alaska State Legislature control the procedure for conducting open and executive sessions of a legislative body.

(c) Legislators may meet in a closed caucus or in a private, informal meeting to discuss and deliberate on political strategy. Those meetings are exempt from the legislative open meetings guidelines. For purposes of this subsection, “political strategy” includes organization of the houses, assignment of committee membership, scheduling of bills, vehicles for adoptions, house-senate relations, other procedural matters, caucus operations, meetings between majority and minority caucus leaders, meetings between majority and minority caucus leaders of both houses, meetings with the governor, deliberations with regard to political strategy, and discussions of issues in the context of political strategy.

(d) *[Repealed, § 74 ch 47 SLA 2007.]*

(e) In cases where there are conflicts between these guidelines and the uniform rules adopted by the Alaska State Legislature, the uniform rules prevail.

(f) The legislative open meetings guidelines are the guidelines that shall be used by the committee when considering complaints filed regarding open meetings.

(g) In the legislative open meetings guidelines,

- (1) “caucus” means a group of legislators who share a political philosophy, or have a common goal, and who organize as a group;
- (2) “legislative body”
 - (A) includes
 - (i) the senate;
 - (ii) the house of representatives;
 - (iii) the senate and the house of representatives meeting in joint session;

- (iv) a committee of the legislature, other than the Committee on Committees, but including a standing committee, special committee, joint committee, conference or free conference committee, committee of the whole, and permanent interim committee;
 - (v) a legislative commission, task force, or other group established by statute or resolution; or
 - (vi) a caucus of members of one or more of the bodies set out in (i) – (v) of this subparagraph;
- (B) does not include
- (i) any committee or group of legislators considering only matters involving the organization of a committee or a house of the legislature, including selection of legislative officers;
 - (ii) any committee or group of legislators and the governor or staff of the Office of the Governor;
 - (iii) legislative leadership meetings;
 - (iv) officers of a caucus;

(3) “meeting” does not include

- (A) a gathering of members of a legislative body for primarily ministerial or social purposes; or
- (B) forums where members of a legislative body have been invited to address a group on legislative issues or concerns. (§ 4 ch 127 SLA 1992; am § 1 ch 69 SLA 1994; am § 1 ch 135 SLA 2004; am § 74 ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 10, 2007, repealed paragraph (d).

Related Advisory Opinions: 04-03

Sec. 24.60.039. Discrimination prohibited.

(a) A legislator or legislative employee may not engage in acts of discrimination in violation of AS 18.80.220.

(b) If a person files a complaint with the committee under AS 24.60.170 alleging a violation of this section, the committee may refer the complainant to the State Commission for Human Rights and may defer its consideration of the complaint until after the complainant establishes to the satisfaction of the committee that the commission has completed its proceedings in the matter. (§ 4 ch 127 SLA 1992; am § 20 ch 74 SLA 1998)

Sec. 24.60.040. Contracts or leases.

(a) A legislator or legislative employee, or a member of the immediate family of a legislator or legislative employee, may not be a party to or have an interest in a state contract or lease unless the contract or lease is let under AS 36.30 (State Procurement Code) or, for agencies that are not subject to AS 36.30, under similar procedures, or the total annual amount of the state contract or lease is \$5,000 or less, or is a standardized contract or lease that was developed under publicly established guidelines and is generally available to the public at large, members of a profession, occupation, or group. A person has an interest in a state contract or lease under this section if the

person receives direct or indirect financial benefits. A legislator or legislative employee who participates in, or who knows or reasonably should know that a family member is participating in, a state contract or lease that has an annual value of \$5,000 or more shall disclose the participation to the committee by the date required under AS 24.60.105. The committee shall promptly forward the disclosure to the appropriate house for inclusion in the journal, and the presiding officer shall cause the disclosure to be published in the journal or in the supplemental journal not later than the next regularly scheduled publication of ethics disclosures. The legislator or legislative employee shall also disclose the renegotiation of a state contract or lease if the original had to be disclosed under this section or if, as a result of renegotiation, disclosure is required under this section. The disclosure must state the amount of the contract or lease and the name of the state agency issuing the contract or lease and must identify the procedures under which the contract or lease was issued. If the disclosure concerns a contract or lease in which a family member of the discloser is participating, the disclosure must identify the relationship between the participant and the discloser.

(b) This section does not apply to a contract or lease issued under a state program or loan that is subject to AS 24.60.050. A grant that results in a contract but that is not subject to AS 24.60.050 is subject to this section.

(c) In this section, "direct or indirect financial benefits" means income, profits, or other financial benefits under a state contract, without regard to whether the income, profits, or other financial benefits ensue to the person as a partner, shareholder, investor, agent, employee, consultant, or joint venture of the contractor. (§ 1 ch 36 SLA 1984; am § 24 ch 106 SLA 1986; am § 4 ch 113 SLA 1986; am § 5 ch 127 SLA 1992; am §§ 21, 22 ch 74 SLA 1998; am § 22 ch 47 SLA 2007)

Revisor's notes. — Subsection (b) was enacted as (c). Relettered in 1998, at which time former (b) was relettered as (c).

Effect of amendments. — The 2007 amendment, effective July 10, 2007, inserted the fourth sentence subsection (a).

Related Advisory Opinions: 84-06, 86-05, 87-04, 87-06, 87-07, 91-01, 93-01, 93-07, 95-02, 99-01

Sec. 24.60.045. Hazardous waste contracts. [Repealed, § 42 ch 127 SLA 1992.]

Sec. 24.60.050. State programs and loans.

(a) A legislator or legislative employee may, without disclosure to the committee, participate in a state benefit program or receive a loan from the state if the program or loan is generally available to members of the public, is subject to fixed, objective eligibility standards, and requires minimal discretion in determining qualification.

(b) The committee shall review state benefit programs and state loans and annually publish a list of programs and loans, designating which ones do not meet the standards of (a) of this section.

(c) A legislator or legislative employee who participates in a program or receives a loan that is not exempt from disclosure under (a) of this section shall file with the committee by the date required under AS 24.60.105 a disclosure stating the amounts of the loans outstanding or benefits received during the preceding calendar year from nonqualifying programs. If the committee requests additional information necessary to determine the propriety of participating in the program or receiving the loan, it shall be promptly provided. The committee shall maintain the disclosure as a public record and promptly forward the information contained in the disclosure to the presiding officer of each house who shall have it published in the supplemental journals on or

before the next regularly scheduled publication of ethics disclosures. If a legislator or legislative employee asks the committee to keep any part of the disclosure confidential and a quorum of the committee determines by vote of a majority of committee members that making the entire disclosure public would cause an unjustifiable invasion of personal privacy, the committee may elect to publish only the fact that a person has participated in the program and the amount of benefit that the unnamed person received. The committee shall maintain the disclosure of the name of the person as confidential and may only use the disclosure in a proceeding under AS 24.60.170. If the disclosure becomes part of the record of a proceeding under AS 24.60.170, the disclosure may be made public as provided in that section.

(d) If loan proceeds or other program benefits are received from nonqualifying programs or loans after the end of a calendar year, the legislator or legislative employee shall file a statement with the committee within 30 days after the beginning of participation in the state program or receipt of proceeds from the state loan or by the date required under AS 24.60.105, whichever is later. If the committee receives the statement while the legislature is in session, it shall promptly forward the statement to the chief clerk of the house or the secretary of the senate, as appropriate, who shall cause it to be published in the supplemental journal. If the committee receives a statement while the legislature is not in session, it shall forward the statement to the chief clerk of the house or the secretary of the senate for publication when the legislature next convenes.

(e) If the committee determines that a legislator or legislative employee received a state benefit or loan as a result of unfair or improper influence, the committee may initiate a complaint or take other appropriate action. In addition, the committee shall refer the matter to the attorney general for action under other civil or criminal laws.

(f) The committee shall annually recommend to the Legislative Budget and Audit Committee the programs and loans to be audited by the division of legislative audit during the following year, including the scope of the audit. The records of the relevant state agencies shall be made available to the division of legislative audit. The division of legislative audit shall prepare a report to the Legislative Budget and Audit Committee on its findings. The report is confidential until it is released by the Legislative Budget and Audit Committee.

(§ 1 ch 36 SLA 1984; am § 5 ch 113 SLA 1986; am § 2 ch 167 SLA 1988; am § 6 ch 127 SLA 1992; am § 23 ch 74 SLA 1998; am § 14 ch 33 SLA 1999; am § 23ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 10, 2007, rewrote subsection (c).

Related Advisory Opinions: 94-07

Sec. 24.60.060. Confidential information.

(a) A legislator, legislative employee, or public member of the committee may not knowingly make an unauthorized disclosure of information that is made confidential by law and that the person acquired in the course of official duties. A person who violates this section is subject to a proceeding under AS 24.60.170 and may be subject to prosecution under AS 11.56.860 or another law.

(b) A legislator or legislative employee who is the subject of a complaint under AS 24.60.170 violates this section if the legislator or legislative employee violates a protective order issued under AS 24.60.170(i). (§ 1 ch 36 SLA 1984; am § 7 ch 127 SLA 1992; am § 24 ch 74 SLA 1998)

Sec. 24.60.070. Disclosure of close economic associations.

(a) A legislator or legislative employee shall disclose to the committee, which shall maintain a public record of the disclosure and forward the disclosure to the respective house for inclusion in the journal, the formation or maintenance of a close economic association involving a substantial financial matter with

- (1) a supervisor who is not a member of the legislature who has responsibility or authority, either directly or indirectly, over the person's employment, including preparing or reviewing performance evaluations, or granting or approving pay raises or promotions; this paragraph does not apply to a public member of the committee;
- (2) legislators;
- (3) a public official as that term is defined in AS 39.50;
- (4) a registered lobbyist; or
- (5) a legislative employee if the person required to make the disclosure is a legislator.

(b) A legislator or legislative employee required to make a disclosure under this section shall make a disclosure by the date set under AS 24.60.105 of the legislator's or legislative employee's close economic associations then in existence. A disclosure under this section must be sufficiently detailed that a reader of the disclosure can ascertain the nature of the association.

(c) When making a disclosure under (a) of this section concerning a relationship with a lobbyist to whom the legislative employee is married or who is the legislative employee's domestic partner, the legislative employee shall also disclose the name and address of each employer of the lobbyist and the total monetary value received by the lobbyist from the lobbyist's employer. The legislative employee shall report changes in the employer of the spouse or domestic partner within 48 hours after the change. In this subsection, "employer of the lobbyist" means the person from whom the lobbyist received amounts or things of value for engaging in lobbying on behalf of the person.

(d) In this section, "close economic association" means a financial relationship that exists between a person covered by this chapter and some other person or entity, including but not limited to relationships where the person covered by this chapter serves as a consultant or advisor to, is a member or representative of, or has a financial interest in, any association, partnership, business, or corporation. (§ 1 ch 36 SLA 1984; § 6 ch 113 SLA 1986; am §§ 8, 9 ch 127 SLA 1992; am § 16 ch 6 SLA 1993; am §§ 2, 26 ch 74 SLA 1998; am § 27 ch 108 SLA 2003; am §§ 24, 25 ch 47 SLA 2007)

Revisor's notes. — Subsection (c) was enacted as (d). Relettered in 1998, at which time former subsection (c) was relettered as (d).

Effect of amendments. — The 2007 amendment, effective July 10, 2007, substituted "as that term is

defined in AS 39.50" for "who is required to file a financial disclosure statement under AS 39.50 and is not an appointed municipal officer" in paragraph (a)(3), and deleted references to "legislator or" preceding "legislative employee" throughout subsection (c).

Related Advisory Opinions: 85-05, 86-01, 86-02, 87-01, 87-02, 87-03, 92-04, 93-02, 94-01, 94-06, 94-14, 95-03, 03-01, 08-04, 09-02, 09-05

Sec. 24.60.075. Compassionate gift exemption.

(a) Notwithstanding AS 24.45.121 and AS 24.60.080, a person may give a compassionate gift to a legislator or legislative employee, and a legislator or a legislative employee may solicit, receive, or accept a compassionate gift from a person, subject to the limitations in (b) – (e) of this section.

(b) A compassionate gift may not be solicited, accepted, or received unless a written request has been approved in writing by the chair of the legislative council, and the committee chair or vice-chair has approved in writing the decision of the chair of the legislative council.

(c) A legislator or legislative employee who receives a compassionate gift, directly or indirectly, shall disclose to the committee the name of the gift's source and the value of the gift within 30 days after receipt.

(d) In this section, the value of a gift shall be determined by the fair market value of the gift, to the extent that the fair market value can be determined.

(e) In this section, "compassionate gift" means a solicited or unsolicited gift intended to aid or comfort a recipient or a member of the recipient's immediate family in contending with a catastrophe, a tragedy, or a health-related emergency. (§ 26 ch 47 SLA 2007; am § 1 ch 2 SLA 2008)

Effect of amendments. — The 2008 amendment, effective February 14, 2008, deleted the first sentence of subsection (c), which read: "A legislator or legislative employee may not solicit,

accept, or receive, directly or indirectly, compassionate gifts worth less than \$250 that in a calendar year aggregate to \$250 or more in value and are from the same person."

Sec. 24.60.080. Gifts.

(a) Except as otherwise provided in this section, a legislator or legislative employee may not

- (1) solicit, accept, or receive, directly or indirectly, a gift worth \$250 or more, whether in the form of money, services, a loan, travel, entertainment, hospitality, promise, or other form, or gifts from the same person worth less than \$250 that in a calendar year aggregate to \$250 or more in value;
- (2) solicit, accept, or receive a gift with any monetary value from a lobbyist, an immediate family member of a lobbyist, or a person acting on behalf of a lobbyist, except
 - (A) food or beverage for immediate consumption;
 - (B) a contribution to a charity event, tickets to a charity event, and gifts to which the tickets may entitle the bearer; however, under this subparagraph a legislator or legislative employee may not solicit, accept, or receive from the same lobbyist, an immediate family member of the lobbyist, or a person acting on behalf of the lobbyist, tickets to a charity event, gifts to which the tickets may entitle the bearer, or both, that in a calendar year aggregate to \$250 or more in value; in this subparagraph, "charity event" means an event the proceeds of which go to a charitable organization with tax-free status under 26 U.S.C. 501(c)(3) and that the Alaska Legislative Council has approved in advance; the tickets may entitle the bearer to admission to the event, to entertainment, to food or beverages, or to other gifts or services in connection with the charity event;
 - (C) a gift that is unconnected with the recipient's legislative status and is from a member of the legislator's or legislative employee's immediate family;
 - (D) a gift delivered on the premises of a state facility and accepted on behalf of a recognized nonpolitical charitable organization; or
 - (E) a compassionate gift under AS 24.60.075.

(b) [Repealed, § 42 ch 127 SLA 1992.]

(c) Notwithstanding (a)(1) of this section, it is not a violation of this section for a person who is a legislator or legislative employee to accept

- (1) hospitality, other than hospitality described in (4) of this subsection,
 - (A) with incidental transportation at the residence of a person; however, a vacation home located outside the state is not considered a residence for the purposes of this subparagraph; or
 - (B) at a social event or meal;
- (2) discounts that are available
 - (A) generally to the public or to a large class of persons to which the person belongs; or
 - (B) when on official state business, but only if receipt of the discount benefits the state;
- (3) food or foodstuffs indigenous to the state that are shared generally as a cultural or social norm;
- (4) travel and hospitality primarily for the purpose of obtaining information on matters of legislative concern;
- (5) gifts from the immediate family of the person; in this paragraph “immediate family” means
 - (A) the spouse of the person;
 - (B) the person’s domestic partner;
 - (C) a child, including a stepchild and an adoptive child, of the person or of the person’s domestic partner;
 - (D) a parent, sibling, grandparent, aunt, or uncle of the person;
 - (E) a parent, sibling, grandparent, aunt, or uncle of the person’s spouse or the person’s domestic partner; and
 - (F) a stepparent, stepsister, stepbrother, step-grandparent, step-aunt, or step-uncle of the person, the person’s spouse, or the person’s domestic partner;
- (6) gifts that are not connected with the recipient's legislative status;
- (7) a discount for all or part of a legislative session, including time immediately preceding or following the session, or other gift to welcome a legislator or legislative employee who is employed on the personal staff of a legislator or by a standing or special committee to the capital city or in recognition of the beginning of a legislative session if the gift or discount is available generally to all legislators and the personal staff of legislators and staff of standing and special committees; this paragraph does not apply to legislative employees who are employed by the Legislative Affairs Agency, the office of the chief clerk, the office of the senate secretary, the legislative budget and audit committee, the office of victims’ rights, or the office of the ombudsman;
- (8) a gift of legal services in a matter of legislative concern and a gift of other services related to the provision of legal services in a matter of legislative concern;
- (9) a gift of transportation from a legislator or a legislative employee to a legislator or a legislative employee if the transportation takes place in the state on or in an aircraft, boat, motor vehicle, or other means of transport owned or under the control of the donor; this paragraph does not apply to travel described in (4) of this subsection or travel for political campaign purposes; or
- (10) a contribution to a charity event, a ticket to a charity event, or a gift in connection with a charity event; in this paragraph, “charity event” has the meaning given in (a)(2)(B) of this section.

(d) A legislator or legislative employee who accepts a gift under (c)(4) of this section that has a value of \$250 or more or a ticket to a charity event or gift in connection with a charity event under (c)(10) of this section that has a value of \$250 or more shall disclose to the committee, within 60 days after receipt of the gift, the name and occupation of the donor and the approximate value of the gift. A legislator or legislative employee who accepts a gift under (c)(8) of this section that the recipient expects will have a value of \$250 or more in the calendar year shall disclose to the committee, within 30 days after receipt of the gift, the name and occupation of the donor, a general description of the matter of legislative concern with respect to which the gift is made, and the approximate value of the gift. The committee shall maintain a public record of the disclosures it receives relating to gifts under (c)(4), (c)(8), (c)(10), and (i) of this section and shall forward the disclosures to the appropriate house for inclusion in the journal. The committee shall forward to the Alaska Public Offices Commission copies of the disclosures concerning gifts under (c)(4), (c)(8), (c)(10), and (i) of this section that it receives from legislators and legislative directors. A legislator or legislative employee who accepts a gift under (c)(6) of this section that has a value of \$250 or more shall, within 30 days after receiving the gift, disclose to the committee the name and occupation of the donor and a description of the gift. The committee shall maintain disclosures relating to gifts under (c)(6) of this section as confidential records and may only use, or permit a committee employee or contractor to use, a disclosure under (c)(6) of this section in the investigation of a possible violation of this section or in a proceeding under AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record of a proceeding under AS 24.60.170, the confidentiality provisions of that section apply to the disclosure.

(e) A political contribution is not a gift under this section if it is reported under AS 15.13.040 or is exempt from the reporting requirement under AS 15.13.040 (g). The use of a bulk mailing permit owned by a legislator's campaign committee or used in a legislator's election campaign is not a gift to that legislator under this section.

(f) Notwithstanding (a) of this section, a legislator or legislative employee may accept a gift of property worth \$250 or more, other than money, from another government or from an official of another government if the person accepts the gift on behalf of the legislature. The person shall, within 60 days after receiving the gift, deliver the gift to the legislative council, which shall determine the appropriate disposition of the gift. In this subsection, "another government" means a foreign government or the government of the United States, another state, a municipality, or another jurisdiction.

(g) Notwithstanding (a) of this section, a legislator or legislative employee may solicit, accept, or receive a gift on behalf of a recognized, nonpolitical charitable organization.

(h) A legislator, a legislative committee other than the Select Committee on Legislative Ethics, or a legislative agency may accept a gift of

- (1) volunteer services for legislative purposes so long as the person making the gift of services is not receiving compensation from another source for the services, or
- (2) the services of a legislative intern who is participating in an educational program approved by the committee if the services are used for legislative purposes. The committee shall approve training under a program of the University of Alaska and training under 29 U.S.C. 2801 – 2945 (Workforce Investment Act of 1998).

(i) A legislator or legislative employee who knows or reasonably should know that an immediate family member has received a gift because of the family member's connection with the legislator or legislative employee shall disclose for publication under (d) of this section the receipt of the gift by the family member to the committee if the gift would have to be disclosed under this section if it had been received by the legislator or legislative employee. If receipt of the gift by a

person who is a legislator or legislative employee would be prohibited under this section, a member of the person's immediate family may not receive the gift.

(j) In this section, the value of a gift shall be determined by the fair market value of the gift to the extent that the fair market value can be determined.

(k) [Repealed, § 74 ch 47 SLA 2007.] (§ 1 ch 36 SLA 1984; am § 3 ch 167 SLA 1988; am §§ 10 — 13, 42 ch 127 SLA 1992; am §§ 27 — 33, ch 74 SLA 1998; am § 9 ch 3 SLA 2002; am § 42 ch 86 SLA 2002; am § 28 ch 108 SLA 2003; am § 6 ch 115 SLA 2003; am § 3 ch 10 SLA 2006; am §§ 27 — 30, ch 47 SLA 2007; §§ 2, 3, ch 94 SLA 2008)

Revisor's notes — Subsections (g) — (j) were enacted as (h) — (k). Relettered in 1998, at which time former subsection (g) was relettered as (k).

Effect of amendments. — The 2006 amendment, effective March 31, 2006, added paragraph (11) of subsection (c), making corresponding stylistic changes.

The 2007 amendment, effective July 10, 2007, inserted the paragraph (1) and (2) designations in subsection (a), rewrote paragraph (a)(2), substituted "(a)(1)" for "(a)" in the introductory language of subsection (c), inserted "person who is a" in the introductory language of subsection (c), added the definition of "immediate family" in paragraph (c)(5), inserted "the office of victims' rights" in paragraph (c)(7), inserted "or a legislative employee" twice in paragraph (c)(9), deleted former paragraph (c)(10), relating to tickets for charity events, redesignated former paragraph (c)(11) as (c)(10), substituted "(a)(2)(B)" for "(10)" in paragraph (c)(10), substituted

"(c)(8), and (i)" for "and (8)" in the third and fourth sentences of subsection (d), substituted "within 30 days after receiving the gift, disclose to the committee" for "disclose to the committee annually on or before March 15" in the fifth sentence of subsection (d), split subsection (i) into two sentences, substituted "an immediate family member" for "a family member," "disclose for publication under (d) of this section" for "report," and "disclosed" for "reported" in the first sentence of subsection (i), inserted "person who is a" and "a member of the person's immediate family may not receive the gift" in the second sentence of subsection (i), and repealed subsection (k).

The 2008 amendment, effective September 14, 2008, inserted "a contribution to a charity event from any person at any time, and" at the beginning of subparagraph (a)(2)(B), added subparagraphs (a)(2)(C) — (E), and deleted the last two sentences of subsection (h), relating to legislative volunteers or educational trainees.

Related Advisory Opinions: 88-03, 88-05, 88-09, 89-01, 89-03, 89-04, 89-06, 90-01, 92-01, 92-03, 93-03, 93-04, 93-05, 93-06, 93-08, 93-09, 94-03, 94-09, 95-03, 96-03, 96-04, 96-05, 97-01, 98-01, 99-02, 00-01, 02-02, 03-02

(Note: See 24.60.112. Applicability to volunteers for educational trainees.)

Sec. 24.60.085. Restrictions on earned income and honoraria.

(a) A legislator or legislative employee may not

- (1) seek or accept compensation for personal services that is significantly greater than the value of the services rendered taking into account the higher rates generally charged by specialists in a profession; or
- (2) accept a payment of anything of value, except for actual and necessarily incurred travel expenses, for an appearance or speech by the legislator or legislative employee; this paragraph does not apply to the salary paid to a legislator or legislative employee for making an appearance or speech as part of the legislator's or legislative employee's normal course of employment.

(b) Notwithstanding (a) of this section, a legislator or legislative employee may accept a payment for an appearance or speech if the appearance or speech is not connected with the person's legislative status.

(c) During the term for which elected or appointed, a legislator may not, directly or by authorizing another to act on the legislator's behalf, accept or agree to accept compensation, except from the State of Alaska, for work associated with legislative action, administrative action, or political action. Notwithstanding AS 24.60.990, in this subsection, "administrative action" and "legislative action" have the meanings given in AS 24.45.171. (§ 14 ch 127 SLA 1992; am § 34 ch 74 SLA 1998; am § 31 ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 10, 2007, added subsection (c).

Related Advisory Opinions: 87-05, 95-01

Sec. 24.60.090. Nepotism.

(a) An individual who is related to a member of the legislature may not be employed for compensation

- (1) during the legislative session in the house in which the legislator is a member,
- (2) by an agency of the legislature established under AS 24.20,
- (3) in either house during the interim between sessions, or
- (4) whether for compensation or not, by the committee.

An individual who is related to a legislative employee may not be employed in a position over which the employee has supervisory authority. In this subsection, "an individual who is related to" means a member of the legislator's or legislative employee's immediate family or a person who is a legislator's or legislative employee's domestic partner living together in a conjugal relationship not a legal marriage with the legislator or legislative employee, and "interim between sessions" means the period beginning on the eighth day after the legislature adjourns from a regular session, and ending eight days before the date that the legislature shall convene under AS 24.05.090 .

(b) [Repealed, § 42 ch 127 SLA 1992.]

(c) [Repealed, § 42 ch 127 SLA 1992.] (§ 1 ch 36 SLA 1984; am §§ 15, 42 ch 127 SLA 1992; am § 29 ch 108 SLA 2003)

NOTES TO DECISIONS

Stated in *Muller v. BP Exploration (Alaska) Inc.*, 923 P.2d 783 (Alaska 1996).

Related Advisory Opinions: 96-02

Sec. 24.60.100. Representation.

A legislator or legislative employee who represents another person for compensation before an agency, board, or commission of the state shall disclose the name of the person represented, the subject matter of the representation, and the body before which the representation is to take place to the committee. The disclosure shall be made by the deadlines set out in AS 24.60.105. The committee shall maintain a public record of a disclosure under this section and forward the disclosure to the respective house for inclusion in the journal. A legislator or legislative employee may not represent another person for compensation before an agency, committee, or other entity

of the legislative branch. (§ 1 ch 36 SLA 1984; § 7 ch 113 SLA 1986; am § 16 ch 127 SLA 1992; am § 35 ch 74 SLA 1998)

Related Advisory Opinions: 86-06, 88-01, 89-02

Sec. 24.60.105. Deadlines for filing disclosures.

(a) When a legislator or legislative employee is required to file a disclosure under this chapter and a date by which the disclosure must be filed is not otherwise set by statute, the deadline for filing the disclosure shall be 30 days after the commencement of the matter or interest or the date the legislator or legislative employee first becomes subject to this chapter, whichever comes later.

(b) Disclosures under the following statutes are subject to the deadlines set out in this section:

- (1) service on the board of an organization as set out in AS 24.60.030(f);
- (2) an interest in a state contract or lease under AS 24.60.040 and the renegotiation of the terms of a state contract or lease that materially affect the obligations of either party;
- (3) participation in a state program or receipt of a state loan under AS 24.60.050 and the renegotiation of the terms of the program or loan if the renegotiation materially affects the obligations of either party;
- (4) formation or maintenance of a close economic association under AS 24.60.070;
- (5) representation of a client under AS 24.60.100.

(c) In addition to the filing requirements under (a) and (b) of this section, the disclosures under of this section shall be made annually, in a report filed with the committee within 30 days after the first day of the regular legislative session. (§ 36 ch 74 SLA 1998; am §§ 32, 33 ch 47 SLA 2007)

(d) A person may submit a written request to refrain from making a disclosure that is required by this chapter if making the disclosure would violate state or federal law, including the United States Constitution and the Constitution of the State of Alaska, or a rule, adopted formally by a trade or profession, that state or federal law requires the person to follow. The committee shall approve or deny the request, or require further justification from the person making the request. At the request of the committee or a person authorized to act on behalf of the committee, a person who seeks to refrain from making a disclosure under this subsection shall provide the committee with justification in writing, and the committee may review the written justification to determine whether it is sufficient.

Effect of amendments. — The 2007 amendment, effective July 10, 2007, rewrote subsection (a) and added subsection (c).

Sec. 24.60.110. Action on a conflict of interest. [Repealed, § 42 ch 127 SLA 1992.]

Related Advisory Opinions: 07-01

Sec. 24.60.112 Applicability to legislative interns and volunteers. A legislative intern or legislative volunteer shall be considered to be a legislative employee for purposes of compliance with AS 24.60.030 – 24.60.039, 24.60.060, 24.60.080, 24.60.085, 24.60.158 - 24.60.170, 24.60.176, and 24.60.178. If a person believes that a legislative intern or legislative volunteer has

violated the provisions of one of those sections, the person may file a complaint under AS 24.60.170. The provisions of AS 24.60.170 apply to the proceeding.

Revisor's notes. — This section was enacted as AS 24.60.080 (i) and renumbered in 2008, at which time “this section” was deleted and “24.60.080” was

added. However, before its enactment as AS 24.60.080(i), the language of this section was part of AS 24.60.080(h).

Sec. 24.60.115. Disclosure required of a legislator, legislative employee, or public member of the committee after final day of service.

A person serving as a legislator, legislative employee, or public member of the committee shall, not later than 90 days after the person's final day of service as a legislator, legislative employee, or public member, file a final disclosure of every matter or interest, except for a matter or interest subject to disclosure under AS 24.60.200, that was subject to disclosure under this chapter while the person was serving, unless the person previously disclosed the matter or interest and, for that reason, the matter or interest is no longer subject to disclosure. Nothing in this section excuses the filing of a disclosure or report as may be required by another section of this chapter.

(§ 34 ch 47 SLA 2007)

Sec. 24.60.120. State property and funds. [Repealed, § 42 ch 127 SLA 1992.]

Article 3. Legislative Ethics Committee; Opinions; Complaints.

Section

130. Select Committee on Legislative Ethics

134. Prohibited conduct by public members and committee employees and contractors

140. Authority of the committee and its subcommittees

150. Duties of the committee

155. Legislative ethics course

158. Advice by staff

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Section

165. Use of information submitted with request for advice

170. Proceedings before the committee; limitations

174. Recommendations to the legislature where violator is a legislator

176. Recommendations where violator is a legislative employee

178. Sanctions recommended by committee

Sec. 24.60.130. Select Committee on Legislative Ethics.

(a) There is established as a permanent interim committee within the legislative branch of state government the Select Committee on Legislative Ethics.

(b) The committee consists of nine members, in two subcommittees, as follows:

- (1) the senate subcommittee, which consists of two members of the senate, one of whom shall be a member of the minority organizational caucus, if any, appointed by the president of the senate with the concurrence by roll call vote of two-thirds of the full membership of the senate, and includes the five public members appointed under (3) of this subsection;
- (2) the house subcommittee, which consists of two members of the house, one of whom shall be a member of the minority organizational caucus, if any, appointed by the speaker of the house with the concurrence by roll call vote of two-thirds of the full

membership of the house, and includes the five public members appointed under (3) of this subsection; and

- (3) five public members who are selected by the Chief Justice of the Alaska Supreme Court and who are ratified by two-thirds of the full membership of the senate and two-thirds of the full membership of the house.

(c) No more than one public member may be a former legislator and no more than two public members of the committee may be members of the same political party.

(d) The members of each subcommittee shall elect a chair and a vice-chair, who serve a term of two years. Neither a chair nor a vice-chair may be a member of the legislature. An officer may not hold the same office for more than two consecutive terms. The vice-chair shall act as chair in the absence of the chair. The chair selected by the senate subcommittee shall chair the full committee beginning the first day of the regular session in odd-numbered years and the chair selected by the house subcommittee shall chair the full committee beginning the first day of the regular session in even-numbered years.

(e) Except as provided in this subsection, a vacancy on the committee shall be filled under (b) of this section. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the first regular session of a legislature or during the interim between regular sessions of that legislature serves without concurrence or ratification through the 10th day of the second regular session of the legislature. An individual who is appointed to fill a vacancy that occurs during the last 10 days of the second regular session of a legislature or during the interim after the second regular session serves without concurrence or ratification through the convening of the first regular session of the next legislature.

(f) The committee may contract for professional services and may employ staff as it considers necessary. A committee employee, including a person who provides personal services under a contract with the committee, may not be a legislator, an elected or appointed official of a state or local governmental entity, an officer of a political party, a candidate for public office, or a registered lobbyist. The legislative council shall provide office space, equipment, and additional staff support for the committee. The committee shall submit a budget for each fiscal year to the finance committees of the legislature and shall annually submit an estimated budget to the governor for information purposes in preparation of the state operating budget. Public members of the committee serve without compensation for their services, but are entitled to per diem and travel expenses authorized for boards and commissions under AS 39.20.180.

(g) Each legislative member serves for the duration of the legislature during which the member is appointed. Each public member serves for a term that commences on the date the member is ratified and ends on the first day of the third regular session that follows the ratification. A public member whose term has expired continues in office until a successor has been appointed and ratified or until the 30th calendar day of the first legislative session that follows the successor's appointment, whichever is earlier. A member of the committee may be removed from membership on the committee for failure to carry out the person's duties as a member of the committee. A legislator may be removed with the concurrence by roll call vote of two-thirds of the full membership of the house of the legislature to which the member belongs. A public member may be removed with the concurrence by roll call vote of two-thirds of the full membership of each house of the legislature.

(h) A member is disqualified from participating as a member in any proceeding before the committee involving a complaint against the member or an employee whose work is supervised by the member or an advisory opinion requested by the member. If a regular legislative member

of the committee is disqualified under this subsection from participating in a proceeding involving a complaint, the member's alternate shall be designated under AS 24.60.131.

(i) A quorum of the committee consists of a majority of the members and must include at least two legislative members and three public members. A quorum of a subcommittee established under this section consists of a majority of the members of the subcommittee and must include at least one legislative member and three public members. A vote of a majority of the members appointed to the committee or a subcommittee is required for official action.

(j) Except to the extent that a provision would prevent the committee from complying with the confidentiality provisions of this chapter, the committee is subject to AS 44.62.310 - 44.62.312 and to the procurement provisions adopted by the legislative council under AS 36.30.020 . In this subsection, "committee" includes a subcommittee.

(k) A member or an employee or contractor of the committee may obtain access to closed committee files containing information that is made confidential by law only if the committee determines that the person has a need to obtain access to the closed files that relates to the official duties of the committee and the person seeking access.

(l) The committee or a subcommittee shall meet at the call of the chair or a majority of the members. The committee or a subcommittee may meet by teleconference.

(m) Except as provided in (b)(1) and (2) of this section, a member may not be a legislator, a legislative employee, an elected or appointed official required to make disclosures under AS 39.50 (public official financial disclosure), an officer of a political party, a candidate for public office, or a registered lobbyist.

(n) Repealed

(o) Notwithstanding (h) of this section and AS 24.60.131, if a complaint before the committee alleges a violation of this chapter by a group of legislators that includes a legislative member of the committee and that member's alternate, the member and alternate member are disqualified from serving on the committee with regard to the complaint. If the two disqualified members of the committee are members of the majority organizational caucus, the presiding officer of the house in which the two disqualified members serve shall appoint from that house an alternate to serve with regard to the complaint. If one of the two disqualified legislative members of the committee is not a member of the majority organizational caucus, the leader of the minority organizational caucus with the greatest number of members shall appoint from that house an alternate to serve with regard to the complaint. If a complaint alleges a violation of this chapter that includes all legislative members of the majority organizational caucus of one house, the presiding officer of that house shall appoint from the other house an alternate to serve with regard to the complaint. If the complaint alleges a violation of this chapter that includes all legislative members of a minority organizational caucus of one house, the leader of that minority organizational caucus shall appoint from the other house an alternate to serve with regard to the complaint.

(p) In this section,

- (1) "majority organizational caucus" means a group of legislators who have organized and elected a majority leader and constitute more than 50 percent of the total membership of the house or senate, as appropriate;
- (2) "minority organizational caucus" means a group of legislators who have organized

and elected a minority leader and constitute at least 25 percent of the total membership of the house or senate, as appropriate.
(§ 1 ch 36 SLA 1984; am §§ 9, 10 ch 113 SLA 1986; am §§ 4 — 6 ch 167 SLA 1988; am §§ 17 — 24 ch 127 SLA 1992; am §§ 37 — 40 ch 74 SLA 1998; am § 15 ch 33 SLA 1999; am §§ 35 — 37 ch 47 SLA 2007)

Revisor's notes. — Subsection (n) was enacted as (o) and relettered in 1998. Subsection (o) was enacted as (p) and relettered in 2007. Former subsection (n) was relettered as (o) in 1998, and relettered again as (p) in 2007.

In 2010, “AS 44.62.310—44.62.319 (Open Meetings Act)” was substituted for “AS 44.62.310—44.62.312” in accordance with § 29(2), ch. 58, SLA 2010.

Effect of amendments. — The 2007 amendment, effective July 10, 2007, inserted the third sentence of subsection (n), inserted “or if the regular member is unable to attend” in the fourth sentence of subsection (n), inserted the designations of paragraph (1) and (2) in subsection (o) [now (p)], and added subsection (p)(1) [now (o)(1)].

Sec. 24.60.131. Alternate members.

- (a) When appointing members of the legislature to serve on the committee under AS 24.60.130(b), the speaker of the house of representatives or the president of the senate, as appropriate, shall appoint an alternate member for each regular member. The alternate member shall have the same qualifications for appointment to the committee as the regular member for whom the alternate stands as alternate. The alternate member's appointment is subject to confirmation as required for appointment of the regular member.
- (b) When selecting public members to serve on the committee under AS 24.60.130(b), the Chief Justice of the Alaska Supreme Court shall select one alternate public member. The alternate public member's selection is subject to ratification as required for selection of the regular public members.
- (c) Subject to (d) of this section, if a regular member of the committee or a subcommittee is unable to participate in a proceeding other than a proceeding under AS 24.60.170, the chair of the committee or subcommittee that holds the proceeding shall designate the regular member's alternate to participate in place of the regular member at the proceeding, and the alternate shall participate for the duration of that proceeding unless the alternate is unable to participate.
- (d) If a regular member of the committee or a subcommittee or an alternate member appointed under (a) or (b) of this section participates at the commencement of a proceeding under AS 24.60.170, the member shall participate for the duration of the proceeding unless the member is disqualified under AS 24.60.130(h) or is unable to continue participating. If the participating member is disqualified under AS 24.60.130(h) or becomes unable to participate, the chair of the committee or subcommittee that holds the proceeding shall designate the member's alternate to participate in place of the member for the duration of the proceeding unless the alternate is disqualified or is unable to participate.
- (e) If both a regular legislative member and that member's alternate appointed under (a) of this section are not available to participate at the commencement of a proceeding under AS 24.60.170 because they are disqualified under AS 24.60.130(h), the presiding officer of the house in which the two members serve shall appoint from that house an alternate and designate that alternate to participate in the proceeding; however, if the two members who are not available to participate are not members of the majority organization caucus, the leader of

the minority organizational caucus with the greatest number of members shall appoint from that house an alternate and designate that alternate to participate in the proceeding.

- (f) A designation under (c) – (e) of this section shall be treated as confidential to the same extent that the identity of the subject of a complaint is required to be kept confidential.

Sec. 24.60.134. Prohibited conduct by public members and committee employees and contractors.

(a) Except as provided in (c) of this section, in addition to complying with the other requirements of this chapter, a public member of the committee, an employee of the committee, or a person under contract to provide personal services to the committee may not, during the person's term of office or employment or during the life of the contract, participate in

- (1) political management or in a political campaign for a candidate for election to federal, state, or local office, regardless of whether the campaign is partisan or nonpartisan, or for passage or defeat of a ballot measure of any type;
- (2) the campaign of, attend campaign fund-raising events for, or make a financial contribution to
 - (A) a candidate for the legislature;
 - (B) an incumbent legislator or legislative employee who is a candidate for another public office; or
 - (C) a person running for another office against an incumbent legislator or legislative employee;
- (3) a fund-raising event held on behalf of a political party or attend a political party fund-raising event; or
- (4) lobbying activities that would require the person to register as a lobbyist except as required to inform the legislature concerning legislation requested by the committee or other matters related to the committee.

(b) A violation or alleged violation of this section shall be treated as any other violation of this chapter and shall be dealt with by the committee accordingly. During the pendency of a complaint against a member, committee employee, or committee contractor, the person complained against may not participate in official action of the committee.

(c) A person under contract to provide personal services to the committee who is part of a corporation or partnership that includes individuals who will not be participating directly in the work performed by the entity for the committee may request the committee to exclude members of the entity from some or all of the provisions of this section. The committee may grant the request if it finds that doing so will not lead to the appearance that the committee is subject to undue political influence and if there is no appearance of impropriety. (§ 25 ch 127 SLA 1992; am §§ 41, 42 ch 74 SLA 1998)

Related Advisory Opinions: 94-10, 95-02, 96-06

Sec. 24.60.140. Authority of the committee and its subcommittees.

(a) The senate subcommittee has authority over proceedings concerning conduct by a member or former member of the senate or a person employed by a member or a committee of the senate.

(b) The house subcommittee has authority over proceedings concerning the conduct by a member or former member of the house or a person employed by a member or a committee of the house.

(c) The full committee has authority

- (1) over proceedings concerning the conduct by an employee of an agency of the legislature;
- (2) to review any matter arising under this chapter that would result in action being required by both houses of the legislature; and
- (3) to issue advisory opinions under AS 24.60.160. (§ 1 ch 36 SLA 1984)

Sec. 24.60.150. Duties of the committee.

(a) The committee shall

- (1) adopt procedures to facilitate the receipt of inquiries and prompt rendition of its opinions;
- (2) publish annual summaries of decisions and advisory opinions with sufficient deletions in the summaries to prevent disclosing the identity of the persons involved in the decisions or opinions that have remained confidential;
- (3) publish legislative ethics materials, including an annually updated handbook on standards of ethical conduct and bimonthly legislative newsletter, to help educate legislators, legislative employees, and public members of the committee on the subject of legislative ethics;
- (4) within 10 days of the first day of each regular session of the legislature and at other times determined by the committee, administer two types of legislative ethics courses that teach means of compliance with this chapter and are designed to give an understanding of this chapter's purpose under AS 24.60.010; one course, for returning legislators, legislative employees, or public members of the committee, shall refresh knowledge and review compliance issues; a separate course shall be designed to give first-time legislators, legislative employees, or public members of the committee a fundamental understanding of this chapter and how to comply with it.

(b) The committee may

- (1) recommend legislation to the legislature the committee considers desirable or necessary to promote and maintain high standards of ethical conduct in government;
- (2) subpoena witnesses, administer oaths, and take testimony relating to matters before the committee, and may require the production for examination of any books or papers relating to any matter under investigation before the committee.

(§ 1 ch 36 SLA 1984; am § 11 ch 113 SLA 1986; am § 38 ch 47 SLA 2007; am § 5 ch 94 SLA 2008)

Effect of amendments. — The 2007 amendment effective July 10, 2007, added paragraphs (3) and (4) in subsection (a)

The 2008 amendment, effective September 14, 2008, substituted "annual" for "semi-annual" in paragraph (a)(2).

Sec. 24.60.155. Legislative ethics course.

- (a) A person who is a legislator, legislative employee, public member of the committee, legislative intern, or legislative volunteer shall complete a legislative ethics course administered by the committee under AS 24.60.150(a)(4) within 10 days of the first day of the first regular session of each legislature or, if the person first takes office or begins service after the 10th day of that session, within 30 days after the person takes office or begins service. The committee may grant a person additional time to complete the course required by this section.
- (b) A legislative intern or legislative volunteer who serves fewer than 30 days in one legislature is not subject to the requirements under (a) of this section.

Sec. 24.60.158. Advice by staff.

The committee shall authorize and train its staff to give oral advice and provide a written informal nonbinding advice letter to persons seeking guidance as to the spirit or legal requirements of this chapter, provided that the advice is given with the express stipulations that

- (1) the opinions given are not necessarily those of the committee;
- (2) although the advice is given in good faith, the person seeking the advice relies on it at the person's own risk; and
- (3) the advice is not binding upon the committee. (§ 26 ch 127 SLA 1992)

Sec. 24.60.160. Advisory opinions.

(a) On the request of the committee, the Alaska Public Offices Commission, a person to whom this chapter applies, or a person who has been newly elected to the legislature, the committee shall issue an advisory opinion within 60 days as to whether the facts and circumstances of a particular case constitute a violation of ethical standards. If it finds that it is advisable to do so, the committee may issue an opinion under this section on the request of a person who reasonably expects to become subject to this chapter within the next 45 days. The 60-day period for issuing an opinion may be extended by the committee if the person requesting the opinion consents.

(b) An opinion issued under this section is binding on the committee in any subsequent proceedings concerning the facts and circumstances of the particular case unless material facts were omitted or misstated in the request for the advisory opinion. An opinion issued under this section must be issued with sufficient deletions to prevent disclosing the identity of the person or persons involved. Advisory opinion discussions and deliberations are confidential, unless the requester and anyone else named in the request who is covered by this chapter waives confidentiality. The committee's final vote on the advisory opinion is a public record.

(§ 1 ch 36 SLA 1984; am § 12 ch 113 SLA 1986; am § 27 ch 127 SLA 1992; am § 43 ch 74 SLA 1998; am § 40 ch 47 SLA 2007)

Cross references. — The Select Committee on Legislative Ethics maintains a public online electronic database of advisory opinions interpreting the Legislative Ethics Act.

Effect of amendments. — The 2007 amendment, effective July 10, 2007, inserted “the committee, the

Alaska Public Offices Commission” and made stylistic changes in the first sentence of subsection (a), substituted the last three sentences of subsection (b) for the last sentence, which provided for the confidentiality of advisory opinions.

Related Advisory Opinions: 84-02, 84-03, 84-04

Sec. 24.60.165. Use of information submitted with request for advice.

The committee may not bring a complaint against a person based upon information voluntarily given to the committee by the person in connection with a good faith request for advice under AS 24.60.158 or 24.60.160, and may not use that information against the person in a proceeding under AS 24.60.170. This section does not preclude the committee from acting on a complaint concerning the subject of a person's request for advice if the complaint is brought by another person, or if the complaint arises out of conduct taking place after the advice is requested, and does not preclude the committee from using information or evidence obtained from an independent source, even if that information or evidence was also submitted with a request for advice. (§ 28 ch 127 SLA 1992)

Sec. 24.60.170. Proceedings before the committee; limitations.

(a) The committee shall consider a complaint alleging a violation of this chapter if the alleged violation occurred within five years before the date that the complaint is filed with the committee. The committee may not consider a complaint filed against all members of the legislature, against all members of one house of the legislature, or against a person employed by the legislative branch of government after the person has terminated legislative service. However, the committee may reinstitute proceedings concerning a complaint that was closed because a former employee terminated legislative service if the former employee resumes legislative service, whether as an employee or a legislator, within five years after the alleged violation.

(b) A complaint may be initiated by any person. The complaint must be in writing and signed under oath by the person making the complaint and must contain a statement that the complainant has reason to believe that a violation of this chapter has occurred and describe any facts known to the complainant to support that belief. The committee shall upon request provide a form for a complaint to a person wishing to file a complaint. Upon receiving a complaint, the committee shall advise the complainant that the committee or the subject of the complaint may ask the complainant to testify at any stage of the proceeding as to the complainant's belief that the subject of the complaint has violated this chapter. The committee shall respond to a complaint concerning the conduct of a candidate for election to state office received during the campaign period in accordance with (o) of this section. The committee shall treat a complaint concerning the conduct of a candidate for election to state office that is pending at the beginning of a campaign period in accordance with (p) of this section. The committee shall immediately provide a copy of the complaint to the person who is the subject of the complaint.

(c) When the committee receives a complaint under (a) of this section, it may assign the complaint to a staff person. The staff person shall conduct a preliminary examination of the complaint and advise the committee whether the allegations of the complaint, if true, constitute a violation of this chapter and whether there is credible information to indicate that a further investigation and proceeding is warranted. The staff recommendation shall be based on the information and evidence contained in the complaint as supplemented by the complainant and by the subject of the complaint, if requested to do so by the staff member. The committee shall consider the recommendation of the staff member, if any, and shall determine whether the allegations of the complaint, if true, constitute a violation of this chapter. If the committee determines that the allegations, if proven, would not give rise to a violation, that the complaint is frivolous on its face, that there is insufficient credible information that can be uncovered to warrant further investigation by the committee, or that the committee's lack of jurisdiction is apparent on the face of the complaint, the committee shall dismiss the complaint and shall notify the complainant and the subject of the complaint of the dismissal. The committee may ask the

complainant to provide clarification or additional information before it makes a decision under this subsection and may request information concerning the matter from the subject of the complaint. Neither the complainant nor the subject of a complaint is obligated to provide the information. A proceeding conducted under this subsection, documents that are part of a proceeding, and a dismissal under this subsection are confidential as provided in (l) of this section unless the subject of the complaint waives confidentiality as provided in that subsection.

(d) If the committee determines that some or all of the allegations of a complaint, if proven, would constitute a violation of this chapter, or if the committee has initiated a complaint, the committee shall investigate the complaint, on a confidential basis. Before beginning an investigation of a complaint, the committee shall adopt a resolution defining the scope of the investigation. A copy of this resolution shall be provided to the complainant and to the subject of the complaint. As part of its investigation, the committee shall afford the subject of the complaint an opportunity to explain the conduct alleged to be a violation of this chapter.

(e) If during the investigation under (d) of this section, the committee discovers facts that justify an expansion of the investigation and the possibility of additional charges beyond those contained in the complaint, the resolution described in (d) of this section shall be amended accordingly and a copy of the amended resolution shall be provided to the subject of the complaint.

(f) If the committee determines after investigation that there is not probable cause to believe that the subject of the complaint has violated this chapter, the committee shall dismiss the complaint. The committee may also dismiss portions of a complaint if it finds no probable cause to believe that the subject of the complaint has violated this chapter as alleged in those portions. The committee shall issue a decision explaining its dismissal. Committee deliberations and vote on the dismissal order and decision are not open to the public or to the subject of the complaint. A copy of the dismissal order and decision shall be sent to the complainant and to the subject of the complaint. Notwithstanding (l) of this section, a dismissal order and decision is open to inspection and copying by the public.

(g) If the committee investigation determines that a probable violation of this chapter exists that may be corrected by action of the subject of the complaint and that does not warrant sanctions other than correction, the committee may issue an opinion recommending corrective action. This opinion shall be provided to the complainant and to the subject of the complaint, and is open to inspection by the public. Within 20 days after receiving the opinion, the subject of the complaint may request a confidential meeting with the committee at which meeting the committee shall explain the reasons for its recommendations. The committee may divulge confidential information to the subject of the complaint. The information remains confidential. The subject of the complaint may comply with the opinion or may request a hearing before the committee under (j) of this section. After the hearing, the committee may amend or affirm the opinion. If the subject of the complaint agrees to comply with the opinion but later fails to complete the corrective action in a timely manner, the committee may formally charge the person as provided in (h) of this section or may refer the matter to the appropriate house of the legislature, in the case of a legislator, or, in the case of a legislative employee, to the employee's appointing authority. The appropriate house of the legislature or the appointing authority, as appropriate, may take action to enforce the corrective action or may decline to take action and refer the matter to the committee. In either case, the committee may formally charge the person under (h) of this section.

(h) If the subject of a complaint fails to comply with an opinion and the committee decides under (g) of this section to charge the person, or if the committee determines after investigation that there is probable cause to believe that the subject of the complaint has committed a violation of this chapter that may require sanctions instead of or in addition to corrective action, the

committee shall formally charge the person. The charge shall be served on the person charged, in a manner consistent with the service of summons under the rules of civil procedure, and a copy of the charge shall be sent to the complainant. The person charged may file a responsive pleading to the committee admitting or denying some or all of the allegations of the charge.

(i) A person charged under (h) of this section may engage in discovery in a manner consistent with the Alaska Rules of Civil Procedure. The committee may adopt procedures that

- (1) impose reasonable restrictions on the time for this discovery and on the materials that may be discovered;
- (2) permit a person who is the subject of a complaint to engage in discovery at an earlier stage of the proceedings;
- (3) impose reasonable restrictions on the release of information that the subject of a complaint acquires from the committee in the course of discovery, or on information obtained by use of the committee's authority, in order to protect the privacy of persons not under investigation to whom the information pertains; however, the committee may not impose restrictions on the release of information by the subject of the complaint unless the complainant has agreed to be bound by similar restrictions and has not made public the information contained in the complaint, information about the complaint, or the fact of filing the complaint.

(j) If the committee has issued a formal charge under (h) of this section, and if the person charged has not admitted the allegations of the charge, the committee shall schedule a hearing on the charge. The committee may appoint an individual to present the case against the person charged if that individual does not provide other legal advice to the committee except in the course of presenting cases under this subsection. The hearing shall be scheduled for a date more than 20 and less than 90 days after service of the charge on the person charged, unless the committee schedules a later hearing date. If the complainant prevents the hearing from starting before the 90-day deadline passes and a quorum of the committee determines by vote of a majority of committee members the delay is not supported by a compelling reason or will result in the person charged being deprived of a fair hearing, the committee may dismiss the complaint with prejudice or enter some other order the committee determines is appropriate. At the hearing, the person charged shall have the right to appear personally before the committee, to subpoena witnesses and require the production of books or papers relating to the proceedings, to be represented by counsel, and to cross-examine witnesses. A witness shall testify under oath. The committee is not bound by the rules of evidence, but the committee's findings must be based upon clear and convincing evidence. Testimony taken at the hearing shall be recorded, and evidence shall be maintained.

(k) Following the hearing, the committee shall issue a decision stating whether or not the subject of the complaint violated this chapter, and explaining the reasons for the determination. The committee's decision may also indicate whether the subject cooperated with the committee in its proceedings. If the committee finds a violation, or lack of cooperation by the subject, the decision shall recommend what sanctions, if any, the committee believes are appropriate. If there has not been a hearing because the person charged admitted to the allegations of the charge, the committee shall issue a decision outlining the facts of the violation and containing a sanctions recommendation.

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, the person filing a complaint shall keep confidential the fact that the person has filed a complaint under this section as well as the contents of the complaint filed. The complaint and all

documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the Alaska Public Offices Commission. All meetings of the committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint. Except to the extent that the confidentiality provisions are waived by the subject of the complaint, if the committee finds that a complainant has violated any confidentiality provision, the committee shall immediately dismiss the complaint. Dismissal of a complaint under this subsection does not affect the right of the committee or any other person other than the complainant to initiate a complaint based on the same factual allegations.

(m) All documents issued by the committee after a determination of probable cause to believe that the subject of a complaint has violated this chapter, including an opinion recommending corrective action under (g) of this section and a formal charge under (h) of this section, are subject to public inspection. Hearings of the committee under (j) of this section are open to the public, and documents presented at a hearing, and motions filed in connection with the hearing, are subject to inspection by the public. Deliberations of the committee following a hearing, deliberations on motions filed by the subject of a charge under (h) of this section, and deliberations concerning appropriate sanctions are confidential.

(n) The committee shall dismiss a complaint against a person employed by the legislative branch of government if the person terminates legislative service. The committee may in its discretion dismiss a complaint against a former member of the legislature whether the complaint was filed before or after the former member departed from the legislature.

(o) The committee shall return a complaint concerning the conduct of a candidate for state office received during a campaign period to the complainant unless the subject of the complaint permits the committee to assume jurisdiction under this subsection. If the committee receives a complaint concerning the conduct of a candidate during the campaign period, the committee shall immediately notify the subject of the complaint of the receipt of the complaint, of the suspension of the committee's jurisdiction during the campaign period, and of the candidate's right to waive the suspension of jurisdiction under this subsection. The candidate may, within 11 days after the committee mails or otherwise sends notice of the complaint to the candidate, notify the committee that the candidate chooses to have the committee proceed with the complaint under this section. If the candidate does not act within that time or if the candidate notifies the committee that the candidate is not waiving the suspension of committee jurisdiction, the committee shall return the complaint to the complainant with notice of the suspension of jurisdiction under this subsection and of the right of the complainant to file the complaint after the end of the campaign period.

(p) When the committee has a complaint concerning the conduct of a candidate for state office pending before it at the beginning of a campaign period that has not resulted in the issuance of formal charges under (h) of this section, the committee may proceed with its consideration of the complaint only to the extent that the committee's actions are confidential under this section. The committee may not, during a campaign period, issue a dismissal order or decision under (f) of this section, issue an opinion under (g) of this section, or formally charge a person under (h) of this section. If the committee has formally charged a person under (h) of this section and the charge is

still pending when a campaign period begins, the committee shall suspend any public hearings on the matter until after the campaign period ends. The parties to the hearing may continue with discovery during the campaign period. If a hearing has been completed before the beginning of a campaign period but the committee has not yet issued its decision, the committee may not issue the decision until after the end of the campaign period. Notwithstanding the suspension of public proceedings provided for in this subsection, a candidate who is the subject of a complaint may notify the committee in writing that the candidate chooses to have the committee proceed with the complaint under this section.

(q) A campaign period under this section begins on the later of 45 days before a primary election in which the legislator or legislative employee is a candidate for state office or the day on which the individual files as a candidate for state office and ends at the close of election day for the general or special election in which the individual is a candidate or on the day that the candidate withdraws from the election, if earlier. For a candidate who loses in the primary election, the campaign period ends on the day that results of the primary election showing that another individual won the election are certified.

(r) At any point in the proceedings when the subject of a complaint appears before the committee, the subject of a complaint may choose to be accompanied by legal counsel or another person who may also present arguments before the committee. The choice of counsel or another person is not subject to review and approval or disapproval by the committee. The choice by the subject of a complaint to be accompanied under this subsection does not constitute a waiver of any confidentiality provision of this chapter. (§ 1 ch 36 SLA 1984; am § 13 ch 113 SLA 1986; am § 7 ch 167 SLA 1988; am § 29 ch 127 SLA 1992; am §§ 44 — 52 ch 74 SLA 1998; am §§ 2 — 4 ch 135 SLA 2004; am § 41 ch 47 SLA 2007; am § 8 ch 95 SLA 2008)

Cross references. — For initiation of a false complaint as a crime, see AS 11.56.805.

Effect of amendments. — The 2007 amendment, effective July 10, 2007, substituted “other” for “and has not provided” in the second sentence of subsection (j), substituted “the committee schedules” for “the person agrees to” in the third sentence of subsection (j), and inserted the fourth sentence of subsection (j).

The 2008 amendment, effective January 1, 2009, substituted “five years” for “two years” in the first and third sentences of subsection (a), deleted “and, when the subject of the complaint is a former member of the legislature, the complaint is filed within one year after the subject’s departure from the legislature”

at the end of the first sentence of subsection (a), deleted “or because a legislator left the legislature” following “terminated legislative service” and “or legislator” preceding “resumes legislative service” in the third sentence of subsection (a), and deleted the former last sentence of subsection (a), relating to proceedings against a person who intentionally prevents discovery of a violation.

Editor’s notes. — Section 13(e), ch. 95, SLA 2008, provides that the 2008 amendment of (a) of this section “applies to complaints alleging that violations of [this chapter] occurred

“(1) within two years before January 1, 2009; or

“(2) on or after January 1, 2009.”

Sec. 24.60.174. Recommendations to the legislature where violator is a legislator.

(a) If the person found to have violated this chapter is or was a member of the legislature, the committee’s recommendations shall be forwarded by the chair of the committee to the presiding officer of the appropriate house of the legislature. If the committee recommends sanctions other than expulsion from the legislature, the committee recommendation

- (1) must include a suggested timetable for the compliance reports required under (e) of this section, if any; and

- (2) may include recommended fines that the legislature may impose if the legislator who was found to have violated this chapter does not comply with the sanctions imposed by the legislature in a timely manner.

(b) If the legislature is in session, the appropriate house shall determine the sanctions, if any, that are to be imposed. The vote shall be taken within 10 legislative days of receipt of the committee's recommendations.

(c) If the legislature is not in session, the presiding officer of the appropriate house may request the legislature to consider convening itself into special session under AS 24.05.100 (a)(2) to consider the committee's recommendations. If expulsion is recommended, the presiding officer shall so request. If the legislature does not convene itself into special session, the appropriate house shall consider the recommendations during the first 10 days of the next regular session.

(d) Except in the case of expulsion, which requires a two-thirds vote, all other sanctions shall be determined by a majority vote of the full house of which the legislator is a member.

(e) When a house of the legislature imposes a sanction other than expulsion on a member or former member, it shall advise the committee at the time of imposing the sanction of the terms it has imposed and of the timetable for compliance adopted with the sanctions. A legislator or former legislator on whom sanctions other than expulsion have been imposed shall report to the committee as required by the timetable. If the committee determines that the legislator or former legislator has not complied fully and in a timely manner with the sanctions imposed by the legislature, the committee may recommend that the legislature impose a fine or additional sanctions. (§ 30 ch 127 SLA 1992; am §§ 53, 54 ch 74 SLA 1998)

Sec. 24.60.176. Recommendations where violator is a legislative employee.

(a) If the person found to have violated this chapter is or was a legislative employee, the committee's recommendations shall be forwarded to the appropriate appointing authority which shall, as soon as is reasonably possible, determine the sanctions, if any, to be imposed. The appointing authority may not question the committee's findings of fact. The appointing authority shall assume the validity of the committee's findings and determine and impose the appropriate sanctions. The appointing authority has the power to impose a sanction recommended by the committee or to impose a different sanction. The appointing authority shall enforce the sanction and shall report to the committee at a time specified by the committee concerning the employee's compliance with the sanction.

(b) In this section, "appointing authority" means

- (1) the legislative council for employees of the Legislative Affairs Agency and of the legislative council and for legislative employees not otherwise covered under this subsection;
- (2) the Legislative Budget and Audit Committee for the legislative fiscal analyst and employees of the division of legislative finance, the legislative auditor and employees of the division of legislative audit, and employees of the Legislative Budget and Audit Committee;
- (3) the appropriate finance committee for employees of the senate or house finance committees;
- (4) the appropriate rules committee for employees of
 - (A) standing committees of the legislature, other than the finance committees;

- (B) the senate secretary's office and the office of the chief clerk of the house of representatives; and
 - (C) house records and senate records;
 - (5) the legislator who made the hiring decision for employees of individual legislators; however, the legislator may request the appropriate rules committee to act in the legislator's stead;
 - (6) the ombudsman for employees of the office of the ombudsman, other than the ombudsman;
 - (7) the legislature for the ombudsman.
 - (8) the victims' advocate for employees of the office of victims' rights, other than the victims' advocate;
 - (9) the legislature for the victims' advocate.
- (§ 30 ch 127 SLA 1992; am §§ 55, 56 ch 74 SLA 1998; § 41 ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment, effective July 10, 2007, added paragraphs (8) and (9) of subsection (b).

Sec. 24.60.178. Sanctions recommended by committee.

(a) When the committee finds that a person has violated this chapter, the committee may recommend appropriate sanctions, including sanctions set out in (b) of this section.

(b) The sanctions that the committee may recommend include

- (1) imposition of a civil penalty of not more than \$5,000 for each offense or twice the amount improperly gained, whichever is greater;
- (2) divestiture of specified assets or withdrawal from specified associations;
- (3) additional, detailed disclosure, either as a public disclosure or as a confidential disclosure to the committee;
- (4) in the case of a legislative employee, suspension of employment with or without pay for a stated period of time or until stated conditions are met, or termination from legislative employment;
- (5) restitution of property or reimbursement of improperly received benefits;
- (6) public or private written reprimand;
- (7) censure, including, in the case of a legislator, removal from a leadership position or committee membership and a determination that the legislator will not be appointed to serve in a leadership position or on a committee during the remainder of that legislature;
- (8) placing the person on probationary status;
- (9) in the case of a legislator, expulsion from the house of the legislature;
- (10) any other appropriate measure.

(c) In addition to or in place of a sanction recommended under (b) of this section, the committee may recommend that the subject of a complaint be required to pay all or a portion of the costs related to the investigation and adjudication of a complaint. (§ 57 ch 74 SLA 1998)

Cross references. — For forfeiture of pensions of certain public officers convicted of crimes involving

Corruption; see AS 37-10.310. For bribery and related offenses, see AS 11.56.100 – 11.56.130.

Sec. 24.60.180. [Renumbered as AS 24.60.980.]

Sec. 24.60.190. Definitions. [Repealed, § 42 ch 127 SLA 1992.]

Article 4. Required Annual Financial Disclosure.

Section

- 200. Financial disclosure by legislators, public members of the committee and legislative directors
- 210. Deadlines for filing of disclosure statements
- 220. Administration of AS 24.60.200 - 24.60.260
- 230. Statements as public records

Section

- 240. Civil penalty for late filing
- 250. Effect of failure to file
- 255. Administrative complaints
- 260. Prohibited conduct relating to disclosures

Administrative Code. — For legislative financial disclosure, see 2 AAC 50, art.5.

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors.

A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the Alaska Public Offices Commission giving the following information about the income received or deferred income, earned or otherwise, to be received by the discloser, the discloser's spouse or domestic partner, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

- (1) the information that a public official is required to report under AS 39.50.030 , other than information about
 - (A) income received as compensation for personal services;
 - (B) a loan or loan guarantee;
 - (C) gifts;
- (2) as to income or deferred income in excess of \$1,000 earned or received as compensation for personal services, and as to dividend income or deferred compensation in excess of \$1,000 received from limited liability company as compensation or deferred compensation for personal services, a statement describing
 - (A) the names and addresses of the source and the recipient;
 - (B) the amount;
 - (C) whether it was or will be earned by commission, by the job, by the hour, or by some other method;
 - (D) the dates and approximate number of hours worked or to be worked to earn it; and
 - (E) unless required by law to be kept confidential, a description sufficient to make clear to a person of ordinary understanding the nature of each service performed or to be performed and the date the service was performed or will be performed;
- (3) as to each loan or loan guarantee over \$1,000 from a source with a substantial interest in legislative, administrative, or political action, the name and address of the person making the loan or guarantee, the amount of the loan, the terms and conditions under which the loan or guarantee was given, the amount outstanding at the time of filing,

and whether or not a written loan agreement exists. (§ 31 ch 127 SLA 1992; am § 58 ch 74 SLA 1998; am §§ 30, 31 ch 108 SLA 2003; am § 3 ch 155 SLA 2004; am § 43 ch 47 SLA 2007)

Effect of amendments. — The 2006 amendment, effective December 17, 2006, substituted “\$1,000” for “\$5,000” in paragraph (2); and deleted former subsection (b), concerning specifications for information submitted in print form.

The 2007 amendment, effective July 10, 2007, in-

serted “or deferred income, earned or otherwise, to be received” in the introductory language, in paragraph (1), inserted subparagraphs (A) and (B) and the subparagraph (C) designation, and rewrote paragraph (2).

NOTES TO DECISIONS

Reporting of deferred income. — Because of indefinite and ambiguous reporting statutes and instructions, a state senator could not be fined a civil penalty for failure to report on his Legislative

Financial Disclosure Statement deferred income he received as a member of a corporate board of directors. *Alaska Pub. Offices Comm’n v. Stevens*, 205 P.3d 321 (Alaska 2009), (decided under prior version of section).

Sec. 24.60.210. Deadlines for filing of disclosure statements.

(a) A person required to file a disclosure statement under AS 24.60.200 shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before March 15 of each year, except that a person appointed as a legislator under AS 15.40, a public member of the committee, or a legislative director must file within 30 days after the person’s appointment. In addition, a person subject to this subsection shall within 90 days after leaving service as a legislator, legislative director, or public member of the committee, file a final report containing the disclosures required of the person by AS 24.60.200 for the period that begins on the last day of the last period for which the person filed a report required by that section and ends on the date of the person’s last day of service.

(b) Notwithstanding (a) of this section, a public member and a public member nominee of the committee shall file an annual report with the Alaska Public Offices Commission, covering the previous calendar year, containing the disclosures required by AS 24.60.200, on or before the second Monday in January of each year.

(c) The Alaska Public Offices Commission shall require that the reports required under this section be submitted electronically but may, when circumstances warrant an exception, accept any information required under this section that is typed in clear and legible black typeface or hand-printed in dark ink on paper in format approved by the commission or on forms provided by the commission and that is filed with the commission. (§ 31 ch 127 SLA 1992; am § 59 ch 74 SLA 1998; am § 1 ch 127 SLA 2002; am §§ 44, 45 ch 47 SLA 2007) (c) effective January 1, 2009

Effect of amendments. — The first 2007 amendment, effective July 10, 2007, added the exception at the end of the first sentence of subsection (a), and added the second sentence of that subsection.

The second 2007 amendment, effective January 1, 2009, added subsection (c).

Sec. 24.60.220. Administration of AS 24.60.200 - 24.60.260.

The Alaska Public Offices Commission shall

- (1) adopt regulations to implement and interpret the provisions of AS 24.60.200 - 24.60.260;
- (2) prepare standardized forms on which the statements required by AS 24.60.200 shall be filed; and
- (3) examine, investigate, and compare all reports and statements required under AS 24.60.200, and report all possible violations of this chapter it discovers to the committee. (§ 31 ch 127 SLA 1992)

Sec. 24.60.230. Statements as public records.

A statement filed with the Alaska Public Offices Commission under AS 24.60.200 is a public record. A person is not required to comply with AS 24.60.200 to the extent that a court of competent jurisdiction of the state determines that legally privileged professional relationships or constitutional privacy considerations would be violated by compliance. (§ 31 ch 127 SLA 1992)

Sec. 24.60.240. Civil penalty for late filing.

A person required to file a disclosure statement under AS 24.60.200 who fails to file a properly completed report under AS 24.60.200 is subject to a civil penalty of not more than \$10 a day for each day the delinquency continues as the Alaska Public Offices Commission determines, subject to appeal to the superior court. An affidavit stating facts in mitigation may be submitted to the Alaska Public Offices Commission by the person against whom the civil penalty is assessed. However, the imposition of the penalties prescribed in this section does not excuse the person from filing reports required by AS 24.60.200. (§ 31 ch 127 SLA 1992; am § 60 ch 74 SLA 1992)

Sec. 24.60.250. Effect of failure to file.

(a) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a candidate for the legislature who is an incumbent legislator has failed to file a report under AS 24.60.200 by March 15, the commission shall notify the candidate that the report is late. If the candidate fails to file the report within 30 days after it is due,

- (1) the commission shall notify the lieutenant governor;
- (2) the candidate shall forfeit nomination to office and may not be seated in office;
- (3) the lieutenant governor may not certify the person's nomination for office or election to office; and
- (4) nomination to the office shall be certified as provided in AS 39.50.060(b).

(b) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a member of the committee has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the presiding officer of the appropriate legislative body. In the case of a public member of the committee, the commission shall notify both presiding officers.

(c) In addition to the sanctions described in AS 24.60.260, if the Alaska Public Offices Commission finds that a legislative director has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, it shall notify the Alaska Legislative

Council or the Legislative Budget and Audit Committee, as appropriate. For the ombudsman, and the office of victims' rights, the Alaska Legislative Council shall be notified. (§ 31 ch 127 SLA 1992; am § 14 ch 63 SLA 1998; am § 61 ch 74 SLA 1998; am § 46 ch 47 SLA 2007)

Effect of amendments. — The 2007 amendment effective July 10, 2007, inserted “and the office of victims' rights” in the last sentence of subsection (c).

Sec. 24.60.255. Administrative complaints.

(a) A person may file a written complaint alleging a violation of AS 24.60.200 – 24.60.260 has occurred or is occurring.

(b) Complaints filed under (a) of this section must be filed within five years after date of the alleged violation.

(c) If a member of the Alaska Public Offices Commission files a complaint, that member of the commission may not participate in any proceeding of the commission relating to the complaint. (§ 9 ch 95 SLA 2008)

Cross references. — For initiation of a false complaint as a crime, see AS 11.56.805.

Editor's notes. – Section 13(f), ch. 95, SLA

2008, provides that this section “applies to complaints alleging violations of AS 24.60.200 – 24.60.260 that occur on or after January 1, 2009.

Sec. 24.60.260. Prohibited conduct relating to disclosures; penalties.

(a) A person required to make a disclosure under this chapter may not knowingly make a false or deliberately misleading or incomplete disclosure to the committee or to the Alaska Public Offices Commission. A person who files a disclosure after a deadline set by this chapter or by a regulation adopted by the Alaska Public Offices Commission has violated this chapter and may be subject to imposition of a fine as provided in (c) of this section or AS 24.60.240.

(b) A person who violates this section is subject to a proceeding under AS 24.60.170, in addition to penalties that may be imposed by the Alaska Public Offices Commission under AS 24.60.240 and to the penalty set out in AS 24.60.250.

(c) The committee may impose a fine on a person who files a disclosure after a deadline set by this chapter. The amount of the fine imposed under this subsection may not exceed \$2 for each day to a maximum of \$100 for each late filing unless the committee determines that the late filing was inadvertent or willful. If the committee finds that a late filing was inadvertent, the maximum fine the committee may impose under this subsection is \$25. If the committee determines that the late filing was willful, the amount of the fine imposed under this subsection may be \$100 for each day but may not exceed a maximum of \$2,500. (§31 ch 127 SLA 1992; am §§ 62, 63 ch 74 SLA 1998; am § 6 ch 94 SLA 2008)

Effect of amendments. — The 2008 amendment, effective September 14, 2008, substituted “late filing unless the committee determines that the late filing was inadvertent or willful” for “disclosure for a late

disclosure” in the second sentence of subsection (c), deleted “However” at the beginning of the third sentence of that subsection, and added the last sentence of that subsection.

Article 5. Miscellaneous and General Provisions.

Section

970. Actions by the attorney general

980. Cooperation by state agencies

Section

990. Definitions

995. Short title

Sec. 24.60.970. Actions by the attorney general.

The attorney general may independently bring civil actions relating to violations under this chapter regardless of the outcome or settlement of a charge before the committee. This section does not prohibit the attorney general from bringing an action under another civil or criminal law. (§ 30 ch 127 SLA 1992)

Revisor's notes. — Enacted as AS 24.60.178.
Renumbered in 1992.

Sec. 24.60.980. Cooperation by state agencies.

Each agency of the executive branch of state government shall, to the extent permitted by state or federal law, cooperate fully with the committee or a subcommittee by providing information and assistance, including disclosure of financial material and other records relating to a potential violation of this chapter. (§ 1 ch 36 SLA 1984)

Revisor's notes. — Formerly AS 24.60.180.
Renumbered in 1992.

Sec. 24.60.990. Definitions.

(a) In this chapter,

- (1) "administrative action" means conduct related to the development, drafting, consideration, enactment, defeat, application, or interpretation of a rule, regulation, policy, or other action in a regulatory proceeding or a proceeding involving a license, permit, franchise, or entitlement for use;
- (2) "anything of value," "benefit," or "thing of value" includes all matters, whether tangible or intangible, that could reasonably be considered to be a material advantage, of material worth, use, or service to the person to whom it is conferred; the terms are intended to be interpreted broadly and encompass all matters that the recipient might find sufficiently desirable to do something in exchange for; "anything of value," "benefit," or "thing of value" does not include
 - (A) an item listed in AS 24.60.080(a)(2)(B) or (c);
 - (B) campaign contributions, pledges, political endorsements, support in a political campaign, or a promise of endorsement or support;
 - (C) contributions to a cause or organization, including a charity, made in response to a direct solicitation from a legislator or a person acting at the legislator's direction; or
 - (D) grants under AS 37.05.316 to named recipients;

- (3) "committee" means the Select Committee on Legislative Ethics and includes, when appropriate, the senate or house subcommittee;
- (4) "compensation" means remuneration for personal services rendered, including salary, fees, commissions, bonuses, and similar payments, but does not include reimbursement for actual expenses incurred by a person;
- (5) "domestic partner" means a person who is cohabiting with another person in a relationship that is like a marriage but that is not a legal marriage;
- (6) "immediate family" means
 - (A) the spouse or domestic partner of the person; or
 - (B) a parent, child, including a stepchild and an adoptive child, and sibling of a person if the parent, child, or sibling resides with the person, is financially dependent on the person, or shares a substantial financial interest with the person;
- (7) "income" means an asset that a person has received or expects to receive, regardless of whether it is earned or unearned; inheritances and other gifts are not income;
- (8) "knowingly" has the meaning given in AS 11.81.900;
- (9) "legislative action" means conduct relating to the development, drafting, consideration, sponsorship, enactment or defeat, support or opposition to or of a law, amendment, resolution, report, nomination, or other matter affected by legislative action or inaction;
- (10) "legislative director" means the director of the legislative finance division, the legislative auditor, the director of the legislative research agency, the ombudsman, the victims' advocate, the executive director of the Legislative Affairs Agency, and the directors of the divisions within the Legislative Affairs Agency;
- (11) "legislative employee" means a person, other than a legislator, who is compensated by the legislative branch in return for regular or substantial personal services, regardless of the person's pay level or technical status as a full-time or part-time employee, independent contractor, or consultant; it includes public members and staff of the committee; it does not include individuals who perform functions that are incidental to legislative functions, and other employees designated by the committee;
- (12) "lobbyist" means a person who is required to register under AS 24.45.041 and is described under AS 24.45.171, but does not include a volunteer lobbyist described in AS 24.45.161 (a)(1) or a representational lobbyist as defined under regulations of the Alaska Public Offices Commission;
- (13) "political action" means conduct in which public officials, including legislators or legislative employees, use their official position or political contacts to exercise influence on state and local government employees or entities; it includes but is not limited to endorsing and pledging support or actively supporting a legislative matter, a nominee, or a candidate for public office;
- (14) "registered lobbyist" means a person who is required to register under AS 24.45.041;
- (15) "representation" means action taken on behalf of another, whether for compensation or not, including but not limited to telephone calls and meetings and appearances at proceedings or meetings;
- (16) "state office" includes the office of governor, lieutenant governor, member of the legislature, or similar state office.

(b) A person has a substantial interest in legislative, administrative, or political action if the person

- (1) is not a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action;

- (2) is a natural person and will be directly and substantially affected financially by a legislative, administrative, or political action in a way that is greater than the effect on a substantial class of persons to which the person belongs as a member of a profession, occupation, industry, or region;
- (3) has or seeks contracts in excess of \$10,000 annually for goods or services with the legislature or with an agency of the state; or
- (4) is a lobbyist. For the purpose of this subsection, the state, the federal government, and an agency, corporation, or other entity of or owned by the state, the federal government, do not have a substantial interest in legislative, administrative, or political action. (§ 31 ch 127 SLA 1992; am §§ 64, 65 ch 74 SLA 1998; am § 17 ch 92 SLA 2001; am §§ 32, 33, 41 ch 108 SLA 2003; am § 7 ch 115 SLA 2003; am §§ 44, 45 ch 47 SLA 2001)

Revisor's notes. — Paragraph (5) was enacted as paragraph (17) and renumbered in 2003, at which time former paragraph (15) was repealed and paragraphs (5) – (14) were renumbered as (6) – (15).

Effect of amendments. — The 2007 amendment,

effective July 10, 2007, substituted “AS 24.60.080(a)(2)(B) or (c)” for “AS 24.60.080(c)” in subparagraph (a)(2)(A); and substituted “an asset that a person has received or expects to receive, regardless of whether it is” for “assets that are received, regardless of whether they are” in paragraph (a)(7).

NOTES TO DECISIONS

“Compensation.” — Because of indefinite and ambiguous reporting statutes and instructions, a senator could not be fined a civil penalty for failure to report on his Legislative Financial Disclosure Statement

deferred income he received as a member of a corporate board of directors. Alaska Pub. Offices Comm’n v. Stevens, 205 P.3d 321 (Alaska 2009), (decided under prior version of section).

Related Advisory Opinions: 87-04, 99-01, 99-03, Memo June 7, 1996

Sec. 24.60.995. Short title. This chapter may be cited as the Legislative Ethics Act. (§ 18 ch 12 SLA 2006)